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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,466	08/04/2000	Henry Milan	1-14402	1939

7590 11/27/2002

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EXAMINER

HUYNH, KIM T

ART UNIT

PAPER NUMBER

2189

DATE MAILED: 11/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/632,466

Applicant(s)

MILAN ET AL. 

Examiner

Kim T. Huynh

Art Unit

2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-5 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Garney et al. (U.S Patent 5,890,015)

a. As per claims 1 and 10, Garney discloses wireless USB hub comprising:

- a data reception circuit for receiving data in a wireless manner from the one or more remote wireless peripheral devices; (col.5, lines 30-47), (fig.5, 520)
- an upstream port connected to the computer; (fig.4), (col.5, lines 18-29)

- a hub controller for passing information from the data reception circuit to the upstream port for transmission to the computer. (col.5, lines 18-47), (fig.5, 420)
- b. As per claim 2, Garney discloses data reception circuit further includes an RF receiver for receiving wireless information from at least one of the one or more remote peripheral devices. (col.2, lines 3-7)
- c. As per claims 3 and 7, Garney discloses data reception circuit further includes a signal discriminator for receiving information from said receiver and presenting the peripheral device data information to hub controller. (col.5, lines 30-47), (fig.5, 530)
- d. As per claims 4, 8 and 9, Garney discloses hub controller further includes a serial interface engine for converting the remote peripheral information into usb format. (col.5, lines 30-47), (col.6, lines 46-65)
- e. As per claim 5, Garney discloses further including three separate data reception circuits each corresponding to a separate remote peripheral device, wherein each of data reception circuits include a separate receiver. (col.5, lines 18-47)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garney et al. (U.S Patent 5,890,015) in view of Applicant Admitted Prior Art (AAPA)

Garney discloses all the limitations as above except Garney fails to disclose RF receiver is a DSSS BPSK modulation receiver as claimed in claims 6 and 11. However, AAPA discloses a DSSS BPSK modulation receiver. (page 9, lines 11-21)

It would have been obvious one having ordinary skills in the art at the time the invention was made to incorporate AAPA's teaching into Garney's method to have the DSSS BPSK modulation receiver so as to save time for configuration of data for transmitting on the USB and so as to be compatible with advancements in wireless communication system.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamdi et al. [USPN 6,408,351] discloses wireless universal serial bus for a computer system. (col.13, lines 42-56)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (703)305-5384 or via e-mail addressed to [kim.huynh3@uspto.gov]. The examiner can normally be reached on M-F 8:30AM- 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Wong can be reached on (703)305-3477 or via e-mail addressed to [Peter.Wong@uspto.gov]. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7249 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-5631.

Kim Huynh

Nov. 18, 2002


SUMATI LEFKOWITZ
PRIMARY EXAMINER